

Attendance: James Henderson-Chairman, John Papacosma-Vice-Chairman, Howard Nannen, Don Rogers, Dorothy D. Carrier, Sam Alexander-Associate, Richard Neiman-Associate, Noel Musson - Planner, Karen O'Connell-Recording Secretary.

The meeting had been advertised in the Times Record, videotaped, and broadcast live on Harpswell TV, and recorded. Chairman Henderson called the meeting to order at 6:30 P.M., introduced above members and staff and led the pledge of allegiance. Henderson then reviewed general Board procedures and the agenda for the evening.

Approval of Minutes -

Motion - The minutes of September 18, 2002 were approved with several corrections.
(Motion by Rogers and seconded by Carrier - Carried 5-0)

Site Visits -

Chairman Henderson reported that formal site visits by Board members had taken place on Tuesday October 15, beginning at 4:00 P.M. Henderson reported that four Board members, (Henderson, Papacosma, Neiman, and Rogers) had attended the Soper and DiCecco sites. Three Board members visited the Fetterman property (Henderson, Neiman and Rogers), but because there were only three members present this could not be considered an official meeting.

02-10-01 Julia Soper (Mill Ledge Seafood), Site Plan Review Amendment to Previously Approved Site Plan, Commercial Fisheries I, Tax Map 64-8, Oakhurst Island.

Henderson indicated that the matter before the Board was a revision to an already approved Site Plan Review of the Soper Property. Because additional activities/changes had taken place since the original site plan approval that were outside the Board's original approval; Henderson indicated the purpose of the review by the Board would be to look at these specific changes and not to reopen all aspects of a previously approved site plan. Henderson indicated the Board would review these changes within the context of Section 15 of the Site Plan Review, but it appeared that many items in Section 15 may not apply to these particular changes requested by Soper.

Applicant Presentation -

Julia Soper distributed an addendum to her original application (now page 15 of her packet). In total, the applicant requested the Board review six items. See list of items on file.

Soper reviewed the items which included:

1. 3' x10' foot ramp ~~going to~~ an after the fact 8' x18' trap ~~stage~~ platform on ledge behind fish house
2. State required Jersey Barriers (5' x1' x) ~~3h~~ in front of fuel tanks
3. Asphalt apron at entrance to Wharf for sanitary conditions
4. Addition to a bait cooler 10' x13' .6" to become a 14x25 bait cooler shed
5. Porto potty
6. An additional Fuel Tank

Soper stated that they had been cited by Codes for 4 violations. One of these items had already been addressed. The bait shed, the trap storage platform, and the fuel tank still need to be addressed by the Board. Henderson confirmed the list of three items already addressed by Codes with Musson. Brian Soper pointed out on the site plan: the Jersey barriers to protect fuel tanks; the trap rack, and the ramp to it. Henderson asked Soper if she felt any of these items would effect parking or traffic and she indicated her opinion no.

Public Comment -

Jeffrey Darling, of Cundy' Harbor distributed pictures and indicated he believes that the changes will cause a parking problem because 2 fuel tanks (and thus two trucks delivering), will be increased traffic. Darling indicated that the purpose of the site plan review is to minimize impact on adjacent properties and that with a larger bait cooler there may be more trucks coming in to fill it. Darling complained that the application was incomplete as of today when he visited the Town House for review.

He indicated the fuel tank was not on the plan when he checked at the Town today and four things had been added for Board consideration just this evening and he had not had appropriate time for review. Darling noted that based on a survey done in 1955, the shore property from the high tide to low tide mark belongs to him and his brother, and he is concerned about the placement of a Soper fuel tank on his land and believes it is a safety hazard to have the tank there. Darling noted there is sometimes so much congestion with parking that it may not be possible to reach the tank to put out a fire. He also noted that the pier to dry traps is also on his land. Henderson indicated they could not get into a boundary dispute, but he noted what Darling was saying.

Julia Soper - indicated that she understands that this Board is not the place to talk about property lines and she referenced page 13 and 14 in her packet noting a Superior Court decision gave her rights to turn around and come to and from the area. She pointed out the various changed items on the site on a diagram including the new tank over the wharf, the Porto potty, and the trap rack and ramp. Soper indicated she had been permitted for a 10x16 bait cooler but had originally built it smaller than the permit. Soper indicated as she rebuilt the bait cooler it was larger than the permit (as she had thought the measurement was taken inside the cooler) and she wishes to add to it. She noted the apron and the addition to the bait cooler are the primary changes.

Board Discussion -

Fuel Tanks Discussion - Soper responding to a question about the issue of the Fuel trucks indicated the trucks sometimes do hang over into the Darling land depending on the driver.

Papacosma clarified with Soper that there were two different types of fuel (diesel and gasoline) and that requires two trucks. Musson clarified that the Board would need to look at section 15.17 of the Site Plan Review Ordinance in regard to the fuel tank. However Soper indicated that the fuel tank was not a flammable material but a combustibile material per State Law. Soper was referencing a booklet on Flammable and Combustibile Liquids from the Office of the State Fire Marshall effective 1991 and had marked pages 22 and 83. Soper indicated the law applies to 660 US gallons or less. Henderson indicated the Board would need to confirm that this was the most up to date edition of the booklet. Sam Alexander indicated the Town ordinance referenced bulk as being 20,000 gallons or more. Papacosma clarified with Soper that the Fire Marshall had reviewed the placement of the tank and she received her permit several days later. Henderson clarified with Soper that deliveries to the propane tank were from once a week during peak season to once a month during low season.

Henderson, continuing his review of Section 15.17, indicated access and internal vehicular circulation were not changing. Henderson indicated he did not see issues with total parking with the one extra truck per week. Henderson indicated there might be someone who could make an argument about impact on groundwater. Henderson continued with the review of section 15.17 criteria. Henderson asked if the Department of Environmental Protection had been involved with the fuel tank placement indicating the Board may have to confirm this as well. He indicated the board will also need to confirm whether or not the tank was placed in the flood plain. Musson indicated part of the Island was in the flood plain. Henderson indicated the Board would need to consider whether parking was an issue in regard to the fuel tank.

Earl Darling indicated the tanks on the Wharf have been inspected by the Fire Marshall and he saw no problem.

Soper referenced page 13 of her packet and the right to park on the Darling lot and the right for her vendors to cross there.

Jeffrey Darling asked which tank was holding gas and which was holding diesel on the map being discussed by the Board. Henderson stated the tank on the lower right of the plan was diesel and currently unapproved. Jeffrey Darling indicated that the tank being indicated as grand fathered for gasoline was being lied about in his opinion. He indicated the tank on the top of the hill has historically been used for diesel. Darling indicated he believed there was an attempt to get an approval incorrectly. Henderson indicated this may be a Codes issue but that the Planning Board needed to deal with the tank on the dock. Darling indicated that he believed that the parking was an issue and the Board and the Fire Marshall may have seen the lot with no vehicles, but there is a problem getting in the lot when there are cars parked there. Henderson indicated the Board would need to decide if there are problems with the fuel tank.

In discussing the bait shed, Henderson indicated he had suggested that the applicant could come in for what they needed and the Board could make a judgment on that but that others could possibly say

something about notice. Rogers indicated that bait trucks coming in and out are only present for a short period. Henderson indicated that he understood that bait is picked up by fisherman from the water. Henderson reviewed the criteria of 15.17. Henderson asked if there was any concern about traffic. Darling indicated there are different trucks for each kind of bait and that the Sopers had increased their business. Brian Soper indicated he had several kinds of bait arriving in different trucks but that a smaller cooler would require more deliveries. Soper indicated that many of the truck deliveries go to both Darlings and Sopers at the same time. Henderson indicated the Board had heard the information. Henderson indicated no other provisions seemed to apply.

In discussing the apron to be paved, Henderson asked if there were any questions regarding the apron and the Board members had none.

In discussing the trap storage area it was noted by Henderson that the traps are taken off and loaded by water. Daniel Darling indicated the traps were once stored on the land and the parking would occur any way. Henderson asked the Board if there were any questions and none were raised

Henderson asked if there were any issues with the Jersey barrier and Porto potty and the Board had none

Henderson noted that Nannen would not be participating or voting on this item as he has worked with the Sopers and that Neiman would be appointed a voting member for this matter.

Motion - The Board approves the applicants request for changes in the site plan review subject to the following conditions:

- 1. Specifying the location of the flood plain and whether the site is within a special flood hazard area and consistent with the Town's flood plain management provisions**
- 2. The fuel storage tank meets the requirements of Section 15.16 subsection 2; specifically meeting the standards of Maine Department of Environmental Protection**
- 3. Diesel fuel is not considered a flammable or explosive liquid and not considered to be stored in bulk as specified by current law or regulations.**

(Motion by Henderson and seconded by Rogers, **Carried 5-0**)

Peter Darling asked if there was a description from the Town regarding what is considered bulk. Henderson indicated the Town would likely rely on the state definition or the ordinary and usual meaning if not defined in our Town Ordinance.

02-10-02 Richard Pope Jr. (Luca and Arlene DiCecco- Property Owners), Change of Use of non conforming Structure, Commercial Fisheries I, Tax Map 38-52, Gun Point Rd.

Henderson reappointed Nannen to participate on the remaining agenda items. Henderson reported that the Board members had completed a site visit to the Gun Point property and noted the space on the left of the property where a new structure is to be built with several bedrooms and that there was a small structure on the shore with a bed, a refrigerator, and plumbing in it that is the DiCecco's current dwelling.

Henderson indicated that Shoreland Ordinance 10.3.3 relates to change of use of a non conforming structure. Change of use of a non conforming structure indicates there may be no greater impact on the water body and adjacent properties. Henderson indicated the current use is a dwelling and the applicants want to change it to an office. Henderson indicated Codes had sent information regarding what would be required to accomplish change of use which is on file.

Applicant Presentation -

Luca DiCecco indicated he has recently read the Ordinance and was not certain how the building (current small cottage) would impact the resources. He stated he would not use the building as a dwelling if it was possible to use it as an office, but understood he must learn from the Board what is necessary to allow the changed use as an office. He indicated he would prefer to be able to leave a toilet in the building as an office and is concerned about damaging the building by removing the plumbing. He asked if there was some way to allow the plumbing to remain if a stipulation about building use and allowances for inspection were to be placed on the building.

Public Input -

Henderson read an E-mail from neighbors Reynolds, who live at 126 Indian Hill Rd. The Reynolds supported Mr. DiCecco's plan to leave the building as it is, and praised their work cleaning up and repairing the deteriorating building and urged the Board to approve their plan.

Henderson read the Basic Land Use Ordinance definition of dwelling and explained that only one dwelling is permitted on a lot. Henderson noted the Codes Office has indicated the plumbing must be removed. Alexander asked for the source of Codes Office authority on this matter and Musson indicated Codes is making this advice based on the advice of the Town Attorney. Henderson indicated the DiCecco' had applied to have the building used as a non dwelling. Rogers noted the current septic system would support four bedrooms. Henderson indicated it would be required to remove items to make it a non dwelling. Papacosma indicated a person could state they would not use the building as a dwelling but he agreed with the Town attorney on the need to assure it was a non dwelling.

Rick Pope the DiCecco's builder, indicated the new house to be built will have only two bedrooms not four. He indicated if a full size office desk was placed in the small building at the shore that a bed would not fit. He indicated that many offices have toilets and some have showers. He felt the previous removal of the decks off the marsh grass was a factor in favor of the DiCecco's demonstrating their cooperation and they should be given consideration.

Bob Crocket indicated he lived in the area for 33 years and has become friends with the DiCecco's. He indicated the DiCecco's were in possession of two build able lots. He feels the DiCecco's have done a remarkable job in cleaning up the area and he does not see it as a more intensive use of the land. He felt the bed should be removed and it should be able to be used as an office. He indicated he had no objection to it being used as an office and he thinks it would be a shame to have the building torn apart.

Board Discussion -

Nannen asked for a plan for the buildings. The Board reviewed the plans and discussed the existing structure and it's proximity to the water. Nannen indicated his concern about the water quality and the fact that 50% of shorefront is closed to shell fishing because of development near the water. Nannen talked of the need to protect the resources. Nannen wondered if a creative way to manage this would be a stipulation placed on the land records regarding the restricted use of the structure.

Henderson indicated that in determining that no greater adverse impact will occur, the Planning Board requires written documentation and also discussed the possibility of placing a restriction on the deed. Papacosma indicated you cannot say it is not a dwelling if it is, and he indicated it is necessary to remove items so that it is no longer a dwelling. Papacosma indicated he agrees with the Town Attorney on this. Carrier indicated the septic plan is for four bedrooms and Pope clarified the existing system is in place for four bedrooms. Carrier indicated the definition of dwelling includes septic systems, but if the Board required removal of eating and sleeping and left the sanitary systems she doesn't see it as a greater impact and in fact sees it as a decrease in impact.

Neiman asked about how the septic would work if the septic system remained in place. Pope indicated that there are a series of chambers and septic is pumped to one leaching field at the top of the hill. Pope indicated it does not matter if the septic is pumped from the bottom of the hill or the top of the hill and there should be no greater impact of flushing toilets in one place or the other. Henderson indicated the ordinance addresses impact on the ocean waters. Henderson clarified the Board can only consider the change in use of the one structure before them; not the two buildings.

Henderson indicated the condition of the change of use recommended by Codes requires removal of systems used for independent living such as cooking and sleeping. Henderson indicated he would recommend removal of shower as well. Papacosma indicated this building is not required to have all the amenities to be used s an office and confirmed the distance to be walked to use sanitary facilities at the primary house would be approximately 100 feet. Papacosma indicated the Board needs to protect the water resources on which many residents rely for their living and he strongly believed the board should take the opportunity to make the building less non conforming, and not stretch their interpretation as much as they might like to accommodate an applicant. Henderson suggested the Board discuss a proposed motion.

Motion - The Board approves the change of use of the cottage to a non dwelling, provided the cottage is disconnected from septic system and all plumbing is removed. (Motion by Henderson

and seconded by Nannen)

Carrier asked if Codes Officer Sawyer had communicated with the Town attorney before making this recommendation and Musson indicated yes. Rogers asked about application of “greatest practical extent” and how two lots became one. Henderson explained that this was an issue of the number of dwellings allowed on a lot. Musson indicated that the Town had combined the lots because they were adjacent and owned in the same name. Papacosma indicated the Town combined the lots and also the applicant had a non conforming building on a lot due to proximity to shore. Alexander indicated the lot question is addressed by Section 10.5.2.

DiCecco indicated he had talked with Codes Officer Sawyer about wanting to get a permit to build a new dwelling and she had indicated that the request to use the existing building should be presented to the Board and the Board would likely request removal of the plumbing. DiCecco indicated he understood then that the permit could then be issued.

Henderson indicated he understood that the DiCecco's were requesting other options besides removal of all plumbing. Henderson asked for a vote on the motion. **(Board vote 3-2 in favor of the motion above)** Papacosma, Nannen, and Carrier voted affirmative. Rogers and Henderson voted no. Rogers discussed his concern over tearing out all plumbing and Henderson indicated the Board had voted to do so 3 to 2. Henderson indicated the matter could be appealed to the Board of Appeals.

Motion - the Board determines that the new use (of the cottage) will have no greater impact on the water body or wetland , or on the subject or adjacent properties and resources than the existing use, based on the conditions expressed in the previous motion.

(Motion by Henderson and seconded by Rogers)

Pope expressed his concern that the Board did not seem to hear the request and he did not understand why the Board voted as they had on the previous motion. Henderson explained the Board's procedures of first discussing an item and then voting, explaining various options are often discussed but then a decision is made. Mrs. DiCecco indicated she did not understand how the Board could find there would be a greater impact on the environment. Henderson explained the Board was discussing just this cottage and the reason for the Board's decision was to assure/guarantee that the cottage could no longer be considered a dwelling. Nannen explained the Board must also consider the impact on adjacent properties and this is not an unusual condition as there cannot be two dwelling units on a conforming lot. **(Board Vote 5-0 in favor of above motion)**. Henderson indicated the change of use is authorized. Pope indicated his concern about the decision and the ability of a property owner to build larger buildings. Mr. DiCecco thanked the Board.

02-10-03 Ben Wallace/Redfish and Associates (Sharon Fetterman - Property Owner), Wharf Approval, Shoreland Residential, Tax Map 17-36, Basin Point Rd.

Henderson- indicated this application was for a commercial piling and supporting dock system
Applicant Presentation.

Ben Wallace - applicant representative, indicated he was applying for a larger dock, sized 32' x150' , to be used for trap circulation and that the width and length were needed to accommodate a number of boats and to allow the dock to extend into high enough waters to accommodate the boats. Wallace indicated there was a need for additional dock space in Harpswell and this dock was wide enough for multiple uses and users.

Board Discussion -

Henderson indicated the Board deals with any issues above the water on the land and that the Selectmen would handle other matters relating to the dock. Henderson confirmed with Wallace that there was no property line within 25 feet of the proposed dock and indicated one third of the road and 20% of the parking lot are in the flood plain. Musson indicated that 15.3.1 through 15.3.7 of the Shoreland Ordinance should be reviewed.

In reference to soils, Henderson indicated that access has to be developed on appropriate soils. Henderson indicated the soils did not visually seem inappropriate (were not marshy or boggy) but this may need to be reviewed further.

In reference to beaches, Henderson indicated this did not seem to be an issue as there were no nearby developed beaches though there were some rocky areas. Wallace indicated he was looking for a

definition for beaches and Henderson indicated this could be recommended to Codes when working on Ordinance changes.

In reference to fisheries, Henderson indicated he could not see an adverse effect.

In reference to character of the area, Henderson asked to pass over this for time being.

In reference to 15.3.4.2 which stipulates size limits on docks, Wallace indicated he had a justification on file. The justification was a need for fisherman to repair and rotate gear. At times a boom truck may need to be utilized to off load boats. Fishermen would use the dock as a location to do patching; cleaning of traps and then gear would be trailered away. Wallace indicated the length of the dock is necessary to reach the depth in the water for boats to pull up. Henderson read additional portions of the letter of justification. (Letter on file) Henderson asked if the dock was in a Commercial Fisheries Zone and Wallace indicated it was a Residential Zone.

Structures Henderson continued to read the requirements of 15.3 and confirmed with Wallace that no structures were to be built over the dock.

In discussing size of the dock, Wallace indicated that the Department of Environmental Protection (D.E.P.) is involved in permitting, and he expects the size of the dock will be reduced some by that process. Henderson indicated the Board could make an approval up to a certain size but the DEP may override it.

Parking Issues Discussed - Alexander raised the issue of parking. Alexander asked to confirm the dimensions of the parking area. It was confirmed there was approximately 60' x28' for parking (1680 square feet). Alexander indicated this figure differed from the 3620 square feet as shown on the plan. Wallace indicated he had done a lay out for 6 parking spaces at 280 square feet each.

Musson indicated the Board must review the Site Plan Review criteria. Papacosma indicated not many of the criteria would directly apply. Papacosma asked Wallace how many fishermen would be using the facility with Wallace replying it could vary depending on the season and time of the month from one or two to up to a dozen. Wallace indicated there could be some parking on the wharf and that he had used 280 square feet per vehicle. Rogers then raised the issue of stern men that may need to park and that off road parking is required. Sam Alexander noted that 15.7 only apply when parking is developed for 7 or more vehicles. Musson indicated 15.7.1 would provide some flexibility to allow fewer spaces. Henderson asked about the utilization of the dock and Wallace indicated usually three boats could fit at the dock at one time (because of the water level) and that would limit the parking to about 2 parking places per boat at one time. Papacosma clarified that the applicant should not expect to park out on the road in the area.

Musson recommended that the site plan review ordinance would also apply. Henderson noted the most restrictive provision would apply. Musson indicated the Board should review in context of Section 15.3 of the Shoreland Ordinance and the Site Plan Review. Papacosma indicated that the road outside the site is heavily used to access the restaurant and any overflow out onto that road would be a problem. The Board discussed other areas of Town where traffic congestion occurred. Henderson asked if parking on the dock would be an option as discussed earlier and Wallace indicated DEP would probably not want to see that. Wallace indicated the 6 spaces should be sufficient for three boats. Musson asked about captain and stern men doubling up and leaving keys and Wallace indicated leaving keys is a tradition. Nannen clarified with Wallace that only three boats would fit on the length of the dock due to the depth of the water in this area.

Nannen asked about any impact that might occur on shell fishing. Wallace responded that one needs to weigh the benefit of the dock against impact and indicate the dock does not extend out into the fisheries itself. Wallace commented further that a float with moorings would have more impact. Wallace indicate they had done a count of the shellfish in the area and though there may be some small impact while building and placing the dock, that eventually more clams would grow.. Wallace indicated the dock would be built at least two feet above the high tide line.

Henderson asked about the 12 foot dock width rule and Wallace indicated that the Town had adopted DEP standard which allow a 12 foot width by rule. Wallace indicated DEP allows building up to 16 feet wide under the National Resources Protection Act (N.R.P.A.) unless an applicant can justify something larger. Wallace indicated an applicant provides a justification and his justification is there is not enough room for the growing fishing industry in town. He noted he has a letter of justification on file. Wallace indicated the dock would provide for multiple fishing uses.

Motion - The Board finds the dock size as proposed is justified based on the explanations given in writing and orally by the applicant. (Motion by Henderson seconded by Carrier -Carried 5-0)

Henderson indicated that the guidance for parking is flexible but it might be better to provide for more parking rather than less. Henderson reviewed the possible number of persons to park and considered eight might be a better number of spaces. Wallace responded that in the majority; of cases boats would pull up to pier and unload and that the primary use would be for circulation of gear. Wallace indicated the boom truck would be parked on the dock Rogers indicated the parking would depend on where the boats were coming from. Wallace indicated he might be able to modify the plan and get a few more spaces in. Papacosma indicated the area was heavily traveled in the summer and it was a concern that parking not takes place on that nearby road. Henderson confirmed with Wallace that the number of boats that would be physically able to pull in would be three boats (one 45 and two 25 foot) as most boats are 45 feet. . Wallace indicated the boats are only able to park on the last 60 feet because of the water depth. Henderson indicated the standard on the warehouse ordinance allows for the highest average occupancy. The Board discussed options for increased parking. **Henderson made a Motion - that one of the conditions of approval would be that the applicant provide spaces for parking 10 vehicles and the traveled way would remain 16 feet. (Motion by Henderson and seconded by Rogers)** Henderson clarified that this would mean off road parking, and the Board discussed the need to arrange parking to avoid run off and overflow on the pier.

Public Input -

Dave Chipman reported a phone call had just come in to the studio and the party was asking how the wharf would affect existing businesses and moorings. Wallace indicated he had talked to the Dolphin Marina owners and they had been supportive and fishermen would have more alternatives.

The Board continued review of the criteria and calculated the lot coverage and the impact of any increased parking on the 20% lot coverage criteria and concluded the impermeable surface was within limits. **The Board voted 5-0 in favor of the above motion.**

Continued Board Discussion and Review-

The Board discussed the Storm Water Management Plan - Wallace described ditches, culverts, silt screens and rip rap to be utilized as storm water management. Wallace indicated DEP was concerned about sedimentation and that was the reason for the catch basin. Nannen and Alexander raised some concern about the plan for a discharge pipe below the catch basin. Nannen suggested a larger catch basin and wondered if Codes should determine this. Alexander indicated he had knowledge of a discharge pipe being asked to be removed. The Board discussed that there shall be a condition that there would be no direct discharge pipe from the catch basin unless required by or approved by the Town Codes Office or D.E.P.. The Board discussed the slope as relatively gradual with an 18 foot pitch from the roadway to the water. The Board discussed the construction of the silt screen and determined this would be referred to Codes. Papacosma indicated the driveway should be crowned properly to reduce run off. Musson suggested Codes and D.E.P. would review the storm water management plan. Henderson asked what the logic was for planning Board involvement and Musson indicated the Board had to determine if they were comfortable with the plan and Codes might also be able to recommend modifications.

Henderson indicated he wondered whether there must be a storm water management plan. Wallace indicated in general the Board needs a formal storm water management plan. Papacosma in indicated that our own Codes Office should scrutinize the plan. **Motion - As a condition of approval the Codes Office will review the criteria of 15.9 and 15.10 and assure they have been met. (Motion by Papacosma and seconded by Rogers, Carried 4-1)** Henderson voted no. Nannen referenced a citizen's note which indicated these issues are covered by the best management practices as described in a Maine Erosion and Sedimentation Control Booklet available at the Codes Office.

Henderson continued review of Section 15 and indicated there were no issues with most items. Wallace indicated there would be an underground electric supply and no fuel on the property. Wallace indicated the Historical Society has been notified and has not responded. Henderson indicated there was likely a lesser need for buffering as it was a fishing community. In response to a question from Alexander, Wallace indicated lighting would not be added. Musson indicated the plan was consistent with Flood Plain

Management. Wallace indicated there was sufficient financial capacity and there is documentation on file and Henderson reviewed that the project limit was \$53,000.

Motion -The Board approves the application consistent with other motions and conditions on the issue (see above) and with the following additional conditions

- 1. That there will be no discharge pipe from the culvert to the water unless required by the Codes Office or D.E.P. and**
- 2. That a crushed rock and silt screen structure will be developed at the location noted on the applicant's submitted plan and**
- 3. That power to the dock will be transmitted underground.**

(Motion by Henderson and seconded by Carrier - Carried 5-0)

Motion - The Board has approved Section 15.3 of the Shoreland Ordinance as it applies to this application with the condition that the applicant works with the Codes Office to assure compliance with 15.3.1 (Motion by Carrier and seconded by Nannen, Carried 5-0)

Other Board Business

Public Hearing - Musson reported that if there is a Special Town Meeting, regarding some technical changes in the ordinances, the Planning Board would then need to meet on Tuesday November 12th to hold the public hearing in regard to the Special Town Meeting.

Housing Forum - Nannen noted that the Comprehensive Plan committee is sponsoring a housing forum on Tuesday October 29th at 5:30 to 7:30 at Harpswell Islands School. The purpose of the forum is to discuss housing issues as well as affordable housing issues in Harpswell.

The meeting was adjourned at 10:30 P.M.

Respectfully Submitted,

Karen O'Connell, Recording Secretary